

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

In Re:)	
)	
Shirley J Bonner, <i>Debtor</i>)	
)	Case No. 22-40091-399
Reverse Mortgage Funding LLC, by Celinek, loan servicing agent for <i>Creditor</i>)	Chapter: 13
)	
vs.)	
)	
Shirley J Bonner, <i>Debtor</i>)	
)	

**SECURED CREDITOR'S OBJECTION TO
CONFIRMATION OF CHAPTER 13 PLAN**

COMES NOW, Reverse Mortgage Funding LLC, by Celinek, its successors or assigns, a secured creditor and objects to the Chapter 13 Plan for the following reasons:

1. The secured creditor is the holder of a promissory note in the principal sum of \$210,000.00, together with interest, secured by a lien on the real property of the Debtor located at 3315 Oregon Avenue, Saint Louis, MO 63118.

2. The current unpaid principal balance on the note secured by the lien is \$134,670.56 together with interest from July 28, 2018, the due date of the last paid installment of said note. Creditor's claim is based on a reverse mortgage.

3. The Debtor's Plan provides that the pre-petition arrearage will be paid over a period of 60 months. Debtor's Plan does not address post-petition taxes or insurance due on the property.

4. The failure to address the reverse mortgage claim in Debtor's Plan has drawn an objection from the Trustee, stating the claim should be paid in full over the life of the plan. The note has not matured and should not be paid over the life of the plan.

5. Creditor has filed an objection to Debtor's Motion to Extend Automatic Stay based on lack of good faith. Creditor restates the responses included in its Objection to the Motion to Extend Automatic Stay as follows.

6. Creditor scheduled a foreclosure sale to occur on October 10, 2019. On September 20,

2019, Debtor filed with the assistance of counsel the first Chapter 13, which is docketed as Case Number 19-45910.

7. Debtor's Chapter 13 was dismissed due to failure to make Plan Payments on December 3rd, 2020. (See, 19-45910, Doc. 34).

8. Creditor scheduled a foreclosure sale to occur on August 16th, 2021. On October 6, 2021, Debtor filed with the assistance of counsel a Chapter 13, which is docketed as Case Number 21-43680.

9. Debtor's second Chapter 13 was dismissed due to failure to make Plan Payments on December 1st, 2021. (See, 21-43680, Doc. 27). Debtor Filed a Motion to Vacate the Order of Dismissal on December 16th, 2021. (See, 21-43680, Doc. 30). The Order Denying the Motion to vacate was filed on December 17, 2021. (See, 21-43680, Doc. 31).

10. On January 13th, 2022, Debtor filed with the assistance of counsel the current Chapter 13, which is docketed as Case Number 22-40091.

11. The Debtor's plan is in violation of 11 U.S.C. §1325(a)(3) and is not proposed in good faith in that the filing of the Debtor's plan under Chapter 13 is solely for the purpose of delay of a foreclosure proceeding of the lien held by Reverse Mortgage Funding LLC, by Celink.

WHEREFORE, having fully prayed, Creditor requests that confirmation of the proposed Chapter 13 plan be denied, and for such other and further relief as the Court deems proper.

SOUTHLAW, P.C.

s/ Daniel A. West

Steven L. Crouch, (MBE #37783; EDMO #2903; KSFcd #70244)
Daniel A. West (MBE #48812; EDMO #98415; KSFcd #70587)
Wendee Elliott-Clement (MBE #50311; KS #20523)
13160 Foster Suite 100
Overland Park, KS 66213-2660
(913) 663-7600 - (913) 663-7899 Fax
moedbknotices@southlaw.com
ATTORNEYS FOR CREDITOR

CERTIFICATE OF MAILING/SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on February 22, 2022, with the United States Bankruptcy Court, and has been served on the parties in interest via email by the Court's CM/ECF System as list on the Court's Electronic Mail Notice List.

- **Diana S. Daugherty** standing_trustee@ch13stl.com, trust33@ch13stl.com
- **Office of US Trustee** USTPRegion13.SL.ECF@USDOJ.gov
- **Timothy Patrick Powderly** tim@powderlylaw.com,
powderlylawmycmechf@gmail.com;info@andreyukbrazil.com;R51502@notify.bestcase.com
- **Daniel A. West** moedbknotices@southlaw.com, ksbkcecf@ecf.courtdrive.com

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed below on February 22, 2022.

Shirley J Bonner
3315 Oregon Avenue
Saint Louis, MO 63118
RESPONDENT

SOUTHLAW, P.C.

s/ Daniel A. West

Steven L. Crouch, (MBE #37783; EDMO #2903; KSfd #70244)
Daniel A. West (MBE #48812; EDMO #98415; KSfd #70587)
Wendee Elliott-Clement (MBE #50311; KS #20523)
13160 Foster Suite 100
Overland Park, KS 66213-2660
(913) 663-7600
(913) 663-7899 Fax
moedbknotices@southlaw.com
ATTORNEYS FOR CREDITOR